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Notice of Allowability	Application No.	Applicant(s)	
	10/621,150	CHEN, PAUL	
	Examiner	Art Unit	
	Fenn C. Mathew	3764	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10/26/2006.
2. ☒ The allowed claim(s) is/are 1-15.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| <ol style="list-style-type: none"> 1. <input type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ 7. <input type="checkbox"/> Examiner's Amendment/Comment 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____ |
|---|--|

JEROME DONNELLY
PRIMARY EXAMINER

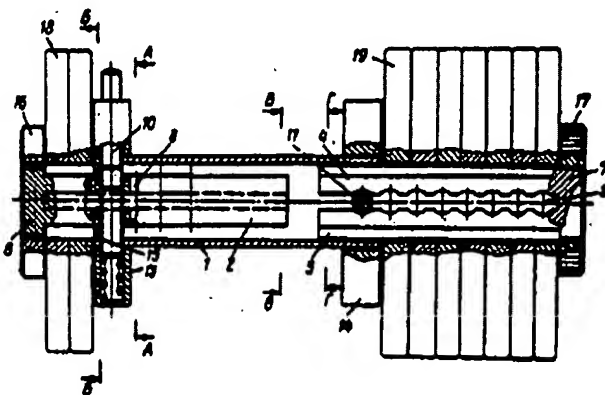
DETAILED ACTION

Terminal Disclaimer

1. The terminal disclaimer filed on 10/26/2006 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of U.S. 6,656,093 has been reviewed and is accepted. The terminal disclaimer has been recorded.

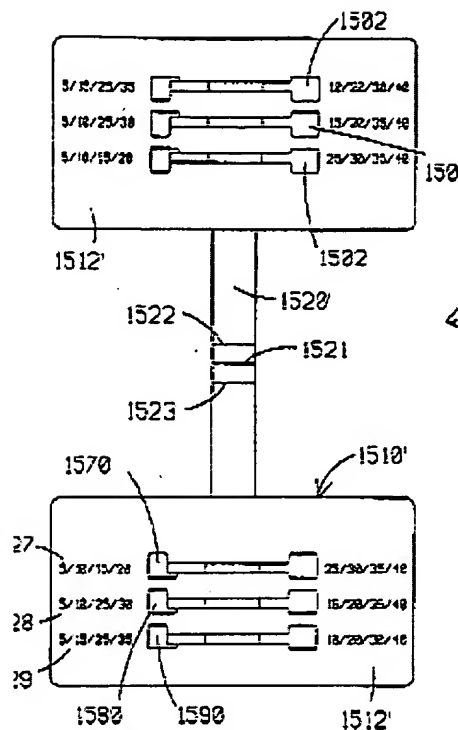
Allowable Subject Matter

2. Claims 1-15 are allowed. The following is an examiner's statement of reasons for allowance: Examiner notes that Applicant has filed a timely and proper terminal disclaimer overcoming the non-statutory obviousness-type double patenting rejection over U.S. 6,656,093. Fomichenko (SU 1,618,430)

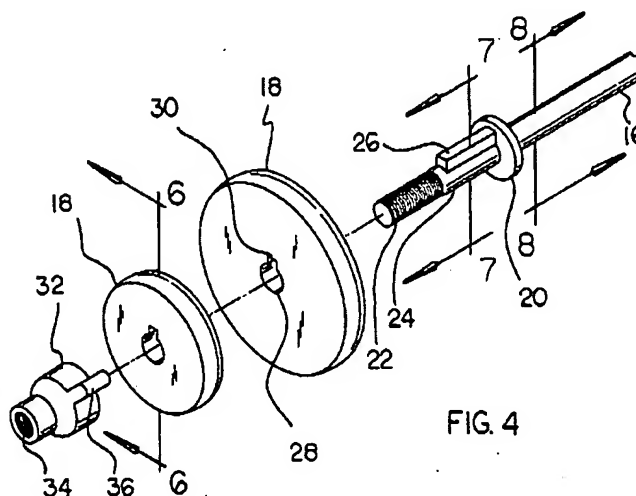


including a handle, weights slidably

engaging the ends of the handle, and a latch slidably engaging the hollow portion of the handle, and means for securing the latch to the first end of the dumbbell and to secure the selected number of weights. Fomichenko fails to teach a tubular latch slidably engaging the outside of the handle and slidably engaging the channels of the weights.



3. Krull (U.S. 6,669,606) discloses a dumbbell but fails to teach the particulars of the latch including a tubular latch surrounding the ends of the handle and slidably engaging the channels of weights.



4. Martinez (U.S. 5,484,367)

discloses a barbell with weights slidably attached and a 'tubular latch'. Martinez fails to

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teach the latch slidably engaging the channels of weights, and the means for securing the latch and the selected number of weights as substantially disclosed by the specification of Chen.

5. The prior art of record fails to teach the claimed invention as shown below.

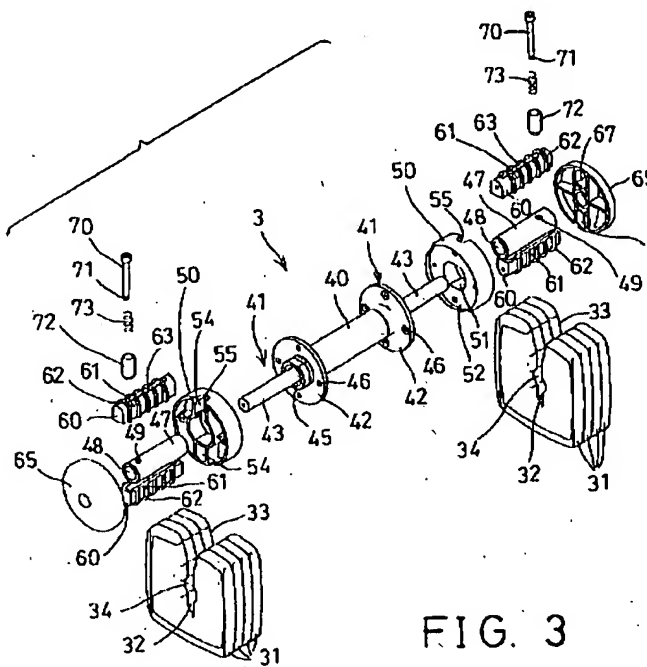


FIG. 3

including a plurality of weights (31)

having channels (32), a handle (40) having ends (43) that engage the weights, a tubular latch (47) surrounding the ends of the handle and slidably engaging the channels of the weights, and means for securing the latch to the end of the handle and to secure the selected number of weights to the first end of the handle as defined in the specification (elements 61, 72).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

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accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fenn C. Mathew whose telephone number is (571) 272-4978. The examiner can normally be reached on Monday - Friday 9:00am - 5:30pm.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



F.C. Mathew
January 5, 2007

JEROME DONNELLY
PRIMARY EXAMINER

